

STATE OF SOUTH CAROLINA

(Caption of Case)

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

COPY
Posted: 10/18/13
Dept: SA
Date: 10/18/13
Time: 11:11

DOCKET/NDI
NUMBER: 2013 - 387 - C

(Please type or print)

Submitted by: Courtney Edwards

SC Bar Number: 77175

Address: 1401 Main Street

Telephone: 803-737-8440

Suite 900

Fax: _____

Columbia SC 29201

Other: _____

Email: cedwards@regstaff.sc.gov

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)

- ☐ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer
☐ Gas
☐ Railroad
☐ Sewer
☐ Telecommunications
☐ Transportation
☐ Water
☐ Water/Sewer
☐ Administrative Matter
☐ Other: _____

NATURE OF ACTION (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

RECEIVED

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PSC SC
MAIL / DMS

**PSC 8C
MAIL / DMS**

4. The Companies listed in Exhibit A, Exhibit B and Exhibit C are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. § 58-9-710 et seq. (Supp. 2012). Further, they have

submitted themselves to the jurisdiction of the Commission by their holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A, Exhibit B and Exhibit C.

5. The Telecommunications Companies listed in Exhibit A, Exhibit B and Exhibit C, upon receiving their Certificates of Public Convenience and Necessity, were found to possess the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. § 58-9-280(B)(1) (Supp. 2012).

6. Pursuant to S.C. Code Ann. §§ 58-3-100, 58-3-540, 58-4-60, and 58-9-370 (Supp. 2012), the public utilities subject to the Commission's jurisdiction are assessed by the Department of Revenue based on amounts that are certified by the Commission, the review committee, and ORS to be assessed. ORS may require reports and special reports concerning any matter about which the ORS is authorized to inquire or keep itself informed or which it is required to enforce.

7. The Companies listed in Exhibit A have failed to submit the requisite gross receipts filings. The companies are required to submit their Gross Receipts form on August 31st annually. ORS has made attempts to contact these companies to obtain the gross receipts forms.

8. ORS has the responsibility to ensure that telephone utilities are filing certain reports. "Subject to the approval of the Commission, the Office of Regulatory Staff may require any telephone utility to file annual reports in such form and of such content as the Office of Regulatory Staff may require and special reports concerning any matter about which the Office of Regulatory Staff is authorized to inquire or keep itself informed or which it is required to enforce." S.C. Code Ann. § 58-9-370(A) (Supp. 2012).

9. The Companies listed in Exhibit B have failed to submit the requisite 2012 Annual Report that was due on April 1st. ORS has made attempts to contact these companies to obtain the Annual Report.

10. The Universal Service Fund ("USF") is administered by the ORS under guidelines adopted by the Commission. S.C. Code Ann. § 58-9-280(E) (Supp. 2012).

11. The Commission USF guidelines approved in Order No. 2011-996, requires each carrier to file on an annual basis the information necessary to allow ORS to calculate the carrier's contribution. The annual filing referred to as the Universal Service Fund Contribution Worksheet ("USF Report").

12. The Companies listed in Exhibit C have failed to submit the requisite USF Report that was due on July 1st. ORS has made attempts to contact these companies to obtain the USF Report.

13. The information for the business entities listed in Exhibit A, Exhibit B and Exhibit C accurately reflects the information on file with the South Carolina Secretary of State. See Exhibit D, Affidavit of James McDaniel.

13. "Each telephone utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees." S.C. Code Ann. § 58-9-390 (Supp. 2012).

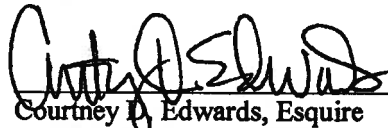
14. Pursuant to S.C. Code Ann. § 58-9-1120 (Supp. 2012), "the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities."

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Exhibit A, Exhibit B and Exhibit C.

2. For the persons and business entities listed in Exhibit A, Exhibit B and Exhibit C, pursuant to 10 S.C. Code Regs. 103-830 (2012), cause a copy of this petition to be served upon such named respondents or other proper person or entity.

3. Require the parties to submit an Answer to this Petition within the deadlines prescribed by the Commission's rules and regulations.
4. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to S.C. Code Ann. § 58-9-820 (Supp. 2012).
5. Find that the Companies listed in Exhibit A, Exhibit B and Exhibit C have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.
6. Enter a final order canceling the Certificates held by the Companies listed in Exhibit A, Exhibit B and Exhibit C.
7. Take other appropriate action which the Commission may deem necessary.



Courtney D. Edwards, Esquire
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Phone: (803) 737-0800
Fax: (803) 737-0895
Email: cedwards@regstaff.sc.gov

October 18, 2013
Columbia, South Carolina

Telecommunications Carriers Non-Compliant with Gross Receipts Filing 2012
Docket No. 2013- -C
October 15, 2013

EXHIBIT A

No.	Company	DBA	Type of Certificate	Address	City	State	ZIP	Docket No.	Order No.	Date Certified	Secretary of State Standing
1	Advanced Communications Solutions, LLC		CLEC/IXC	PO Box 98	Holly Springs	NC	27540-0098	2011-119-C	2011-539	08/03/11	Good Standing
2	American Broadband, Inc.		CLEC/IXC	1321 Connellsville Rd	Lemont Furnace	PA	15456	2004-343-C	2005-127	03/22/05	Good Standing
3	Association Administrators, Inc.		IXC	180 E Main St. #200	Smithtown	NY	11787	1997-163-C	1997-893	10/17/97	Good Standing
4	iBasis Retail, Inc.		IXC	20 Second Ave	Burlington	MA	01803	2009-201-C	2009-667	09/24/09	Good Standing
5	Inmate Communications Corporation		IXC	31127 Via Colinas Ste 807	Westlake Village	CA	91362	1992-518-C	1993-148	02/24/93	Good Standing
6	Telmex USA, LLC		IXC	c/o Visi Consulting Services, LLC	Tuscaloosa	AL	35401-0328	2005-365-C	2006-435	07/26/06	Good Standing
7	Yak Communications (America) Inc.		IXC	1130 University Blvd, Ste B9, #253	Miami Beach	FL	33141	2002-387-C	2003-532	09/22/03	Forfeiture
8	Commercial Payphones, LLC		PSP	PO Box 414629	Miami	FL	33166	1985-150-C	2005-182	04/21/05	Good Standing
9	Garvin Oil Company, Inc.		PSP	8510 NW 56th Street	Wagener	SC	29164-1249	1985-150-C	1996-29	01/10/96	Good Standing
10	James Kenneth Fryer		PSP	PO Box 1249	Columbia	SC	29221-6851	1985-150-C	1995-828	04/05/95	No Results Found
11	Liam, Inc.		PSP	PO Box 211851	West Columbia	SC	29169	1985-150-C	1997-174	03/06/97	Good Standing
12	Payphone Partners, Inc.		PSP	1119 Charleston Hwy	Charlotte	NC	28227	1985-150-C	1999-586	08/19/99	Good Standing
13	SunTel		PSP	2520 Sardis Rd N, Ste 100	Camden	SC	29020	1985-150-C	1990-509	05/09/90	Good Standing
			PSP	PO Box 397							

Telecommunications Carriers Non-Compliant with Annual Reports Filing 2012

EXHIBIT B

Docket No. 2013- -C

October 15, 2013

No.	Company	Type of Certificate	Address	City	State	Zip	Docket No.	Order No.	Certified Date	Secretary of State Standing
1	Advanced Communications Solutions, LLC	CLEC/IXC	PO Box 98	Holly Springs	NC	27540-0098	2011-119-C	2011-539	08/03/11	Good Standing
2	Mobilitie, LLC	CLEC/IXC	660 Newport Ctr Dr Ste 200	Newport Beach	CA	92660	2010-355-C	2011-132	02/15/11	Good Standing
3	Pac-West Telecomm, Inc.	CLEC/IXC	4550 Lakefield Bend	Berkeley Lake	GA	30096	2010-411-C	2011-318	04/26/11	Good Standing
4	Yak Communications (America) Inc.	IXC	PO Box 414629	Miami Beach	FL	33141	2002-387-C	2003-532	09/22/03	Forfeiture

Telecommunications Carriers Non-Compliant with Universal Service Fund Filing 2012

EXHIBIT C

Docket No. 2013- -C

October 15, 2013

No.	Company	Type of Certificate	Address	City	State	Zip	Docket No.	Order No.	Certified Date	Secretary of State Standing
1	American Broadband, Inc.	CLEC/IXC	1321 Connellsville Rd	Lemont Furnace	PA	15456	2004-343-C	2005-127	03/22/05	Good Standing
2	INetworks Group, Inc.	CLEC/IXC	125 S Wacker Dr., Ste 2510	Chicago	IL	60606	2009-164-C	2009-553	08/06/09	Good Standing
3	Yak Communications (America) Inc.	IXC	PO Box 414629	Miami Beach	FL	33141	2002-387-C	2003-532	09/22/03	Forfeiture

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2013-387-C

October 15, 2013

IN RE: Petition of the South Carolina Office of)
Regulatory Staff For the Commission to)
Order a Rule to Show Cause as to Why the) **AFFIDAVIT OF**
Certificates of Public Convenience and) **JAMES MCDANIEL**
Necessity For Certain Providers of the)
Telecommunications Services Should Not Be)
Revoked)

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is James (Jim) McDaniel and I am employed by the South Carolina Office of Regulatory Staff ("ORS") as Telecommunications Program Manager.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina 29201.
- 3) It is the regular business practice of ORS to maintain certain business records required to be filed by providers of telecommunications service that are subject to the jurisdiction of the Public Service Commission of South Carolina.
- 4) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books and records which are not complete or which are not on file with ORS.
- 5) On October 15, 2013, I examined the business records on file with ORS.

EXHIBIT D

- 6) As a result of the examination, I attest that the Gross Receipts Forms, Annual Report Forms or USF Reports have not been filed with ORS by the following providers of telecommunications service as of October 15, 2013: (Exhibit A, Exhibit B, and Exhibit C)
- 7) I and/or personnel under my direction researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Exhibit A, Exhibit B, and Exhibit C of this Petition.
- 8) I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit A, Exhibit B, and Exhibit C are accurate.

AND FURTHER THE AFFIANT SAYETH NOT.



James McDaniel
Telecommunications Manager
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Sworn and subscribed before me
this 15 day of OCTOBER, 20 13



Notary Public for South Carolina
My Commission Expires: _____

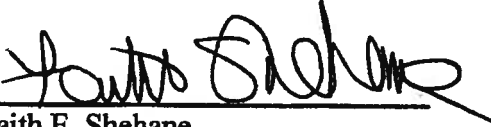
FAITH SHEHANE
Notary Public, State of South Carolina
My Commission Expires 8/1/2022

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2013- -C

IN RE:	Petition of the South Carolina Office of)	
	Regulatory Staff For the Commission to Order a)	
	Rule to Show Cause as to Why the Certificates of)	CERTIFICATE OF
	Public Convenience and Necessity For Certain)	SERVICE
	Providers of the Telecommunications Services)	
	Should Not Be Revoked)	

This is to certify that I, Faith E. Shehane, have this date served one (1) copy of the **PETITION FOR RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

[PLEASE SEE LIST OF PARTIES SERVED ON NEXT PAGE]



Faith E. Shehane

October 18, 2013
Columbia, South Carolina

Advanced Communications Solutions,
LLC
PO Box 98
Holly Springs, NC 27540-0098

Association Administrators, Inc.
180 E Main St, #200
Smithtown, NY 11787

iBasis Retail, Inc.
20 Second Ave
Burlington, MA 01803

Telmex USA, LLC
c/o Visi Consulting Services, LLC
1130 University Blvd, Ste B9, #253
Tuscaloosa, AL 35401-0328

Yak Communications (America) Inc.
PO Box 414629
Miami Beach, FL 33141

Garvin Oil Company, Inc.
PO Box 1249
Wagener, SC 29164-1249

James Kenneth Fryer
PO Box 211851
Columbia, SC 29221-6851

Payphone Partners, Inc.
2520 Sardis Rd N, Ste 100
Charlotte, NC 28227

Suntel
PO Box 397
Camden, SC 29020

iNetworks Group, Inc.
125 S Wacker Dr., Ste 2510
Chicago, IL 60606

American Broadband, Inc.
1321 Connellsville Rd
Lemont Furnace, PA 15456

Pac-West Telecomm, Inc.
4550 Lakefield Bend
Berkeley Lake, GA 30096

Inmate Communications Corporation
31127 Via Colinas Ste 807
Westlake Village, CA 91362

Mobilitie, LLC
660 Newport Ctr Dr Ste 200
Newport Beach, CA 92660

Commercial Payphones, LLC
8510 NW 56th Street
Miami, FL 33166

iNetworks Group, Inc.
125 S Wacker Dr., Ste 2510
Chicago, IL 60606

Ljam, Inc.
1119 Charleston Hwy
West Columbia, SC 29169